

# REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
FRANCIS B. TIFFANY

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building and loan associations shall so pay for the first one hundred thousand dollars of their assets, or fractional part thereof, twenty dollars; for the next five hundred thousand dollars, ten dollars for each one hundred thousand dollars or fractional part thereof, and for the excess of over six hundred thousand dollars, five dollars for each one hundred thousand dollars or fractional part thereof. All local building and loan associations shall so pay a fee of ten dollars. All savings banks organized under the laws of this state shall so pay the following fees: Those having assets of two hundred and fifty thousand dollars or less, thirty dollars; of more than two hundred and fifty thousand dollars, and not exceeding five hundred thousand dollars, fifty dollars; of more than five hundred thousand dollars and not exceeding one million dollars, seventy-five dollars; of more than one million dollars and not exceeding five million dollars, one hundred dollars; of more than five million dollars, ten dollars additional for each additional one million dollars or fractional part thereof. ('09 c. 201 § 14)

## CHAPTER 29.

### PUBLIC HEALTH.

#### 2131. General and special rules.

Cited in *Minnesota Canal & Power Co. v. Pratt*, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

**2137. Necessary help—To whom chargeable.**—Every local board of health shall employ, at the cost of the town, county or place in which it exists, when necessary, all medical and other help required for the prevention or suppression of communicable diseases, or for carrying out within its jurisdiction, the lawful regulations and directions of the state board and its officers and employes; and, upon its failure so to do, the state board may employ such assistance at the local charge. But all persons whose duty it is to care for another infected with a communicable disease, to isolate such patient, or to fumigate or otherwise disinfect any article or place, shall be liable for the reasonable cost thereof to anyone performing such duty, or to any county, town or municipality paying such cost. (R. L. § 2137, as amended by Laws 1907, c. 327, § 1.)

**2140. Vital Statistics—Births and deaths.**—(a) The state board of health shall have general supervision of the state system of registration of births and deaths, and shall prepare and furnish at the expense of the state, on forms to be printed by the state printing commission, all blanks for obtaining and preserving a record of the same. The secretary of said board shall be known as the state registrar, and shall be the administering officer of the state in connection therewith. All local registrars and sub-registrars to whom such blanks are furnished, shall obey the directions of said board, concerning the use, filing and return thereof. If any such officer shall refuse or fail to obtain and furnish the information so required, the state board of health may obtain the same by other proper means, and the reasonable costs thereof shall be charged to and paid for by the city, incorporated village or township where the expense is necessarily incurred.

(b) Each city, borough, village and township shall, for the purpose of this act, constitute a primary registration district. In cities, boroughs and villages, the health officer shall be, and shall be known as, the local registrar. In townships, the town clerk shall

shall be twenty-five hundred dollars per annum. The salary of the office clerk shall be not to exceed at the rate of fifteen hundred dollars per annum and the salaries of the stenographers shall be not to exceed at the rate of nine hundred dollars per annum, each to be fixed by the superintendent of banks. The salaries of the clerks or assistants to the examiners herein provided for, shall be such sums as the superintendent of banks may prescribe but not to exceed in any case, however, at the rate of fifteen hundred dollars per annum. ('09 c. 201 § 11)

[2126—]12. **First appointment of superintendent—Term.**—The governor shall appoint a superintendent of banks, as herein provided, within thirty days after this act shall take effect and be in force, whose term of office shall expire on the first Monday in January in the year 1911. ('09 c. 201 § 12)

[2126—]13. **Standing appropriations.**—There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated the sum of thirty-six thousand dollars, or so much thereof as may be necessary, for the payment of the salaries of the persons to be appointed under the provisions of this act, and the further sum of fifteen thousand dollars, or so much thereof as may be necessary, as a contingent fund for the expenses of the superintendent of banks, the examiners and their clerks or other assistants. ('09 c. 201 § 13)

[2126—]14. **Fees for examinations.**—All banks organized under the laws of this state shall pay on or before the 1st day of February, 1910, and annually thereafter, into the state treasury the following sums: Those having a paid up capital of less than fifteen thousand dollars, twenty-five dollars; those having a capital of fifteen thousand dollars and less than twenty-five thousand dollars, thirty dollars; those having a capital of twenty-five thousand dollars and less than fifty thousand dollars, forty dollars; those having a capital of fifty thousand dollars and less than seventy-five thousand dollars, fifty dollars; those having a capital of seventy-five thousand dollars and less than one hundred thousand dollars, sixty dollars; those having a capital of one hundred thousand dollars and less than one hundred and fifty thousand dollars, seventy-five dollars; those having a capital of one hundred and fifty thousand dollars and less than two hundred thousand dollars, eighty-five dollars; those having a capital of two hundred thousand dollars and less than three hundred thousand dollars, one hundred dollars; those having a capital of three hundred thousand dollars and less than four hundred thousand dollars, one hundred and twenty dollars; those having a capital of four hundred thousand dollars and less than five hundred thousand dollars, one hundred and thirty dollars; those having a capital of five hundred thousand dollars and less than six hundred thousand dollars, one hundred and forty dollars; those having a capital of six hundred thousand dollars and less than seven hundred and fifty thousand dollars, one hundred and fifty dollars; those having a capital of seven hundred and fifty thousand dollars and less than one million dollars, two hundred dollars; those having a capital of one million or more, two hundred and twenty-five dollars. All trust companies so organized shall so pay the following sums: Those having a paid up capital of one hundred thousand dollars and less than two hundred thousand dollars, eighty-five dollars; those having a paid up capital of two hundred thousand dollars and less than three hundred thousand dollars, one hundred dollars; those having a paid up capital of three hundred thousand dollars and less than five hundred thousand dollars, one hundred and forty dollars; and if five hundred thousand dollars or more, one hundred and seventy-five dollars. All general

serve in a similar capacity. The governor may remove from office, after notice, and an opportunity to be heard, any local registrar who fails or neglects to discharge the duties of his office, and thereupon the state board of health may appoint another in his place. The local registrar shall appoint a deputy who shall act in his stead in case of his absence, illness, or disability; said deputy shall accept such appointment in writing and shall be subject to the same rules and regulations governing the actions of the local registrar. Whenever it may appear necessary to said board, it may also appoint one or more persons to act as sub-registrars to receive certificates and issue burial or removal permits, and may designate the district over which such sub-registrars shall have jurisdiction. Sub-registrars shall perform the same duties, and be liable to the same penalties for failure or neglect so to do, as herein provided for registrars, except that sub-registrars shall note thereon the date that a certificate of birth or death is filed with them, shall thereupon sign the same, and within ten (10) days thereafter, forward the same to the registrar of the proper city, village or township.

(c) Local registrars are hereby charged with the strict and thorough enforcement, under the supervision and direction of the state board of health, of the provisions of this act, within their respective districts. They shall make an immediate report to the state board of health, of any violation of this law coming to their knowledge, and thereupon said state board of health shall have authority to investigate the same by agent or otherwise, and all registrars shall aid, upon its request, said board in such investigation. Such state board may report cases of violation of this act to the prosecuting attorney of the proper county with the statement of the facts and circumstances, and thereupon such county attorneys, if in his judgment the evidence is such as to warrant prosecution, shall forthwith initiate the necessary prosecution and conduct the same to as speedy an end as possible.

(d) The body of any person whose death occurs in any primary registration district of this state shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from, or into, any such registration district, until a permit for burial or removal shall have been issued by the registrar of the registration district in which the death of such person occurred, in accordance with the terms thereof. No burial or removal permit shall be issued by any registrar until a certificate and return of death has been filed with him as hereinafter provided. Transit permits, duly issued, may be accepted by a registrar of any district where the body is to be interred or otherwise finally disposed of, as a basis upon which to issue a local burial permit. In such event, the same shall be plainly entered on a copy of the record which such registrar shall transmit to the state board of health.

(e) Stillborn children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed with the local registrar in the usual form and manner, the certificate of birth to contain in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known; whether a premature birth, and if born prematurely, the period of uterogestation in months, if known; and a burial, or removal permit, in usual form shall be required. Midwives shall not sign certificates of death for stillborn children, but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided in subdivision (g) of this section.

(f) The certificate of death shall contain the following items:

(1) Place of death, including state and county, with city, village or township. If in a city, the ward, street and house number. If in a hospital, or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of same to be given.

(2) Full name of deceased. If an unnamed child, the surname preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition—as single, married, widowed or divorced.

(6) Date of birth, including the year, month and day.

(7) Age, in years, months and days.

(8) Place of birth—state or foreign country.

(9) Name of father.

(10) Birth place of father—state or foreign country.

(11) Maiden name of mother.

(12) Birthplace of mother—state or foreign country.

(13) Occupation—The occupation to be reported of any person who had any remunerative employment, women as well as men.

(14) Signature and address of informant.

(15) Date of death, including the year, month and day.

(16) Statement of medical attendant, time in attendance, fact and time of death, including the time last seen alive.

(17) Cause of death, including the primary and immediate causes, and the sequences of the same, together with contributory causes or complications, if any, and the duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning death in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time at place of death, and place where the disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Date when certificate was filed and registered, authenticated by the official signature of the local registrar.

Items 1 to 13 inclusive, shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts. Items 15 to 17, inclusive, shall be authenticated by the signature of the physician. Items 20 to 21 shall be authenticated by the signature of the embalmer or undertaker.

A burial or removal permit shall not be issued upon a certificate containing only a statement of symptoms of disease, or conditions resulting from disease, but any such certificate shall be returned the physician for correction. The cause of the death must be carefully defined, and if from violence, its nature stated. When death occurs in a hospital or other institution, the physician shall furnish the information required under subhead 19.

(g) When any person dies without medical attendance, it shall be the duty of the embalmer or undertaker, to forthwith notify the local registrar of such death, and when so notified such registrar shall issue a burial permit, or refer the matter to the local health officer for immediate investigation, and certification, and also if the circumstances of the case render it probable that the death was caused by violence, and not by casualty, shall refer the matter to the coroner. The embalmer or undertaker shall also obtain and file with such registrar, the certificate of death, and secure a burial or removal permit. He shall also obtain the personal and statistical particulars herein required, over the signature and address of his

informant, and shall then present the certificate of death to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as herein required. He shall then state the date and place of burial, over his signature, and with his address, and present the completed certificate to such registrar within the time limit, if any, designated by the state board of health. The burial permit shall be delivered to the embalmer, and the embalmer shall deliver such permit to the sexton, or person in charge of the place of burial, before interring the body, and when shipped by any transportation company, shall attach the transit permit to the box containing the corpse; said permit shall accompany the same to the point of destination, to be there delivered to the local registrar of the district in which said interment is made.

(h) If the interment or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement from the registrar, over his signature, that a satisfactory certificate of death has been filed with him as required by law, and permission is therefore granted to inter, or otherwise dispose of the body of the deceased, stating the name, age, sex, cause of death, and othe[r] information as required by the state board of health. When the interment or other disposition of the body is to be made in a registration district other than that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the permit. No person shall carry, or accept for transportation, the body of any deceased person without the same being accompanied by a permit in accordance with the provisions hereof, except that in case the death occurred outside of the state and the body is accompanied by a certificate of death, burial, removal or transit permit issued in accordance with the law, or board of health regulations, in force where the death occurred, if any exist therein, such death certificate, burial or removal, or transit permit may be held to authorize the transportation or carriage of the body into or through the state.

(i) No person in charge of any premises in which interments are to be made shall permit the interment of any body unless the same is accompanied by a burial, removal or transit permit, as herein provided. Each such person shall endorse upon such permit, the date of the interment, over his signature, and shall return all permits so endorsed to the local registrar of his district within ten (10) days from the date of interment. Such person shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, name and address of the embalmer, which record shall at all times be open to public inspection. Any person wilfully violating any provision of this paragraph shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty (20) dollars, nor more than one hundred (100) dollars, or be imprisoned in the county jail for not less than ten (10) days, nor more than ninety (90) days.

(j) The certificate of birth shall contain the following items:

(1) Place of birth, including state and county, together with city, village or township. If in a city, the ward, street and house number. If in a hospital, or other institution, the name of the same to be given instead of the street and house number.

(2) Full name of child.

(3) Sex.

(4) Color or race—as white, black (negro or negro descent), Indian, Chinese, Japanese or other.

- (5) Condition—as twins, illegitimate, etc.
  - (6) Date of birth, including year, month and day.
  - (7) Full name of father, with age.
  - (8) Birthplace of father: State or foreign country.
  - (9) Occupation of father.
  - (10) Maiden name of mother, with age.
  - (11) Birthplace of mother: State or foreign country.
  - (12) Occupation of mother.
  - (13) Number of child of this mother, and number of children of this mother now living.
  - (14) Signature and address of attending physician or midwife.
  - (15) Signature and address of informant.
  - (16) Signature and address of reporting official.
  - (17) Date when certificate was filed and registered.
- (k) No person shall wilfully alter any certificate of birth or death, or any copy of the same, after the same is filed in the office of the local registrar. Any person who shall violate any provision of this paragraph shall be guilty of forgery in second degree. (R. L. § 2140, as amended by Laws 1907, c. 454, § 1.)

**2141. Fees.**—For obtaining and returning the information required concerning each birth and death, the local registrar or his deputy shall receive twenty-five cents from the county upon presentation of a voucher for the amount due. On or before March first of each year, the secretary of the state board of health shall transmit to the clerk of the district court of each county a record of all the returns received by him during the preceding year from the local registrars of such county, with his certificate showing the whole number of births and deaths reported during such year by each local registrar. Said clerk shall thereupon file the same in his office and shall issue to each local registrar or his deputy a voucher showing the amount due him for the aforesaid services, as shown by the certificate of said secretary. The said clerk shall record the said births and deaths in his office, in books to be procured at the expense of his county. The fee for recording each of said births and deaths shall be ten cents. Provided, however, that in cities of over 100,000 inhabitants the local registrar shall perform all such duties without any charge therefor, and in counties having a city of over 100,000 inhabitants, such district court clerk shall not issue any such voucher to the local registrar of such a city, nor shall such clerk receive any compensation for any of the duties herein required in connection with birth or death records in such a city. (R. L. § 2141, as amended by Laws 1907, c. 454, § 1, and Laws 1909, c. 23, § 1.)

**[2141—]1. Same—Penalties for violation.**—Any person who shall violate any of the provisions of this act, or shall refuse or neglect to perform any duties imposed upon him thereby, for the punishment of which no other provision is made herein; shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars, nor more than one hundred dollars, or imprisoned for a period not to exceed sixty days. Fines collected for any violation of the provisions of the foregoing, shall be paid into the treasury of the county where the offense was committed, and there credited to the general revenue fund of said county. ('07 c. 454 § 2)

**2147. Pollution of water.**

Cited in *Minnesota Canal & Power Co. v. Pratt*, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

**[2151—]1. Nuisance, source of filth, or cause of sickness—Duty of health officer—Notice—Privy vaults in cities having 50,000 inhabitants.**—Whenever any nuisance, source of filth, or cause of sickness is found on any property, the health officer of the city,

village or township shall order the owner or occupant thereof to remove the same at his expense within a time not to exceed ten days, the exact time to be specified in the notice. Said notice shall be served by the sheriff, marshal or other peace officer, by delivering a copy thereof to the owner, occupant or agent of such property. If the owner of the property is unknown or absent, with no known representative or agent upon whom notice can be served, then the sheriff, marshal or other peace officer shall post a written or printed notice upon the property or premises, setting forth that unless the nuisance, source of filth, or cause of sickness is abated or removed within ten days, the sheriff, marshal or other peace officer will abate or remove, or cause to be abated or removed, at the expense of the owner, the nuisance, source of filth, or cause of sickness complained of and found to exist; provided, that in carrying out the provisions of this act no debt or claim against any individual owner, or any one piece of real property, shall exceed the sum of twenty-five dollars, that in all cities in this state now or hereafter having a population of over 50,000 inhabitants, the collection and disposal of night soil from privy vaults and contents of cesspools shall be under the charge and supervision of, and shall be done by the department of health of such cities. ('07 c. 425 § 1)

**Historical.**—"An act to provide for the abatement of a nuisance, source of filth or cause of sickness." Approved April 25, 1907.

**[2151—]2. Same.—Abatement—Costs assessed on property.**—If the owner, occupant or agent shall fail or neglect to comply with the requirement of said notice, then said health officer shall proceed to have the nuisance, source of filth, or cause of sickness, described in said notice, removed or abated from said lot or parcel of ground and report the cost thereof to the city clerk, or other like officer, and the cost of such removal or abatement shall be assessed and charged against the lot or parcel of ground on which the nuisance, source of filth, or cause of sickness was located, and the city clerk, or other like officer, shall, at the time of certifying their taxes to the county auditor, certify the aforesaid costs, and the county auditor shall extend the same on the tax roll of the county against said lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city, village or township, as other taxes are collected and paid. ('07 c. 425 § 2)

## CHAPTER 30.

### LIVE STOCK SANITATION.

#### 2160. Killing—Owner to be notified—Autopsy—Appraisal.

See section [2160—]1.

**[2160—]1. Same — Notice — Appraisal — Protest—Autopsy.**—Whenever the state live stock sanitary board shall decide upon the killing of an animal affected with the disease tuberculosis or glanders, it shall notify the owner or keeper of such decision, when the judgment of the state live stock sanitary board, such animal may be ordered transported for immediate slaughter by the said board, through its executive officer to any abattoir within the state where the United States bureau of animal industry maintains inspection, and said live stock sanitary board shall pay the expense, said transportation and yardage. Before being removed from the premises of owner, there shall be appointed three competent disinterested men, one appointed by the state, one by the owner, and a third by the first two, to appraise such animal at its cash value. Such appraisal